

**U.S. Department of Energy  
Office of Energy Efficiency and Renewable Energy  
Request for Waiver of the Recovery Act Buy American Provision  
Domestic Nonavailability Exception**

**Explanation:** Recipients of EERE Recovery Act financial assistance (“recipients”) may use this form to request a waiver of section 1605 (the Buy American provision) based on the exception outlined in section 1605 b(2): the iron, steel, or relevant manufactured good is not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality (“nonavailability”).

This form compliments the [\*Guidance on the Buy American Provisions as Applied to EERE Projects Funded by ARRA\*](#), and the [\*Instructions for Waiver Requests\*](#), two existing documents that contain instructions for grantees on what information to include in a waiver request.

The purpose of this waiver request form is to help standardize, simplify, and streamline the waiver application process by providing a user-friendly template for recipients. The information requested satisfies the requirements for submitting waiver requests outlined in section 1605 of the Recovery Act and interim final guidance for implementing section 1605 issued by OMB in 2 CFR 176. For additional reference regarding timely and late submissions, see specifically 2 CFR 176.100, “Timely determination concerning the inapplicability of section 1605 of the Recovery Act”, and 2 CFR 176.120, “Determinations on late requests”.

Submitting this form does not guarantee that a nonavailability determination will be made. Rather, submitting this form initiates the EERE review process, which may result in EERE asking for additional information or concluding that the request was not based on a valid justification.

Waiver requests already submitted prior to the publication of this new form—either independently or in response to the *EERE Request for Information on Recovery Act Buy American Provisions*—do not need to resubmitted. All pending requests will be processed in a timely manner, but recipients of EERE Recovery Act funding are strongly encouraged to use this new form going forward.

This waiver request form is also designed to facilitate EERE’s collaboration with other Federal Departments and Agencies, as well as a diversity of other manufacturing stakeholders, in implementing our plan to scour the domestic manufacturing landscape in search of producers before making any nonavailability determinations. The fillable template found below will provide a standardized format for EERE to quickly and accurately process, catalogue, and disseminate the product information and technical

specifications for the manufactured goods being submitted for waiver considerations, in order to expeditiously ascertain whether or not there is domestic manufacturing capacity.

This form does not provide a template for submitting a waiver request based on the public interest or unreasonable cost exceptions under the Recovery Act Buy American provisions. If a recipient seeks a waiver based on one of these exceptions, they may use the *Guidance on the Buy American Provisions as Applied to EERE Projects Funded by ARRA*, and the *Instructions for Waiver Requests* provided on the [EERE Buy American webpage](#).

Moreover, private companies seeking to have their products exempted from the Buy American provisions may *not* use this form. EERE will only process waiver requests that relate to a specific Recovery Act project funded by EERE and where the recipient provides complete and accurate information.

Upon receipt of a completed waiver request form, EERE will review the information provided and coordinate as needed with other Federal Departments and Agencies, as well as with other domestic manufacturing stakeholders. EERE has developed a strategy to work with entities that have extensive knowledge of the U.S. domestic manufacturing capacity, as well as specific expertise in local and regional manufacturing capabilities. Upon receipt of a completed waiver request, these partnering entities will leverage their contacts and knowledgebase to “scout” for potential domestic manufacturers. EERE anticipates that the scouting process will take approximately 2 - 4 weeks to complete.

*All personal information will be removed from this form prior to forwarding to other Federal Departments and Agencies, or the broader manufacturing public. EERE will only forward the product information, technical specifications, and the location of the project (State/U.S. Territory only).*

EERE will contact the recipient within 30 days and provide feedback on the status of the waiver request. Once again, submitting this form does not guarantee that a determination will be made. Rather, submitting this form initiates the EERE review process, which may result in EERE asking for additional information or concluding that the request was not based on a valid justification.

**Submission format:** Please provide the following information to the absolute best of your abilities. Incomplete forms may cause delays in the review process. Please be precise in summarizing the technical specifications for the particular manufactured good being submitted for waiver consideration. A small photo should be uploaded or pasted at the bottom of the Part 2 if one is available. If information is being submitted for multiple manufactured goods, please fill out a separate template for each.

## **General Information**

- 1) Recipient name:
- 2) City and State:
- 3) Individual Point of Contact name:
- 4) Email:
- 5) Phone:
- 6) EERE Program (ex. EECBG, SEP, etc):
- 7) Grant number:
- 8) Project Officer name and contact information:
- 9) Contracting Officer name and contact information:
- 10) Location of the project:
- 11) Total project cost (total amount of EERE Recovery Act Funding involved in the project):

## **Contextual Information**

1) Please provide a detailed justification of the reason(s) for requesting a waiver of the Buy American provisions for the iron, steel, and/or manufactured goods in question (example: project specifications require a particular piece of equipment only manufactured abroad). If this request is being made after the Recovery Act funds were obligated, please explain here why the request was not submitted before making the obligation or why the need for this determination otherwise was not reasonably foreseeable.

2) Please explain the efforts and measures you have already undertaken to locate a domestic manufacturer for the iron, steel, or manufactured good in question:

## **Technical Information**

**1. Item description:** (Please describe the exact item you are seeking a waiver for based on domestic non-availability)

**2. Application:** (What is the item's stated purpose or application? Please describe whether you intend to use it for its stated purpose or for an alternate application.)

**3. Item class:** (For example: mechanical, electrical, electro-mechanical, electronic, etc.)

**4. Item materials:** (This description can be categorical such as "lamps"; or specific such as "iron, steel, copper, or aluminum")

**5. Item size:** (Please provide the item's physical size specifications)

**6. Anticipated number of units and cost per unit:**

**7. Likely manufacturing processes:** (To the extent known, please describe how this project is likely to be manufactured, e.g., machining, welding, forging, etc.)

**8. Is this a Commercially Available Off the Shelf (COTS) item, or a custom component?** (Is this item currently available for purchase, in which case it would be COTS, or is customized production required?)

**9. Is a full set of technical specifications or data available for this item? If so, how can these be accessed?** (Please provide the website, email and/or telephone contact for the entity making the technical specifications available. Likely sources would be product manufacturers or importers)

**10. Noteworthy performance requirements:** (e.g., the part must weather certain environmental conditions; must adhere to certain quality or industry standards; or has some other noteworthy operating requirements.)

**11. Other technical info, including manufacturing tolerances or testing requirements, if relevant:**

**12. What are the major procurement challenges? Please describe how these challenges might provide justification for use of foreign iron, steel, and/or manufactured goods.** (e.g., locating a U.S. supplier, cost, quality, delivery time, etc.)

**13. Potential future or related procurement info:** (Any predictive procurement information regarding potential future purchases is understood to be an estimation, not a guarantee, but will be helpful in understanding and explaining the extent of the need and the potential business case associated with this item)

**14. Location of the Project:**

**15. Name and Address of Proposed Supplier:**

**16. Other relevant business info:** (Is there anything else worth noting about the item or opportunity not addressed elsewhere on this form that would help manufacturers more clearly understand the nature of this item or could help explain why the domestic non-availability waiver might apply?)

**17. Please Upload or Paste small digital photo below if one is available:**



**Submission Instructions:** Waiver requests may come directly from recipients, but submissions should be coordinated with the proper DOE Contracting Officer (CO), as well as the award official, who is the Project Officer (PO) assigned to the award in the Award Assistance Agreement. The Contracting and/or Project Officers will work with the EERE Buy American coordinator to keep the recipient informed as to the status of the waiver request.

Please check the box below if you consent to EERE sharing select information contained in this form with other Federal Agencies and manufacturing stakeholders. EERE will only share the product information and technical specifications, as well as the location of the project (State name/U.S. Territory only). *All personal information will be removed from this form prior to forwarding to other Federal Departments and Agencies, or the broader manufacturing public.*

Alternatively, you may check the box indicating that you do not consent to EERE sharing this information with other Federal Agencies, or any other entity. However, please be advised that choosing to not participate in the domestic manufacturer scouting process described in this document may result in a longer review period for your waiver request.

- I consent to EERE sharing select information contained in this form with other Federal Agencies and manufacturing stakeholders, with the understanding that EERE will only share the product information and technical specifications, as well as the location of the project (State name/U.S. Territory only), and that no personally-identifiable information will be included.
- I do not consent to EERE sharing this information with other Federal Agencies, or any other entity. I understand that choosing this option may result in a longer review period for the waiver request.

**Addresses:** Recipients may submit information by any of the following methods:

**E-mail (preferred method):** [buyamerican@ee.doe.gov](mailto:buyamerican@ee.doe.gov). Please include “Buy American Waiver Request” and the name of the manufactured good in the email subject line.

**Mail:** Mr. Benjamin Goldstein, U.S. Department of Energy, Office of Weatherization and Intergovernmental Programs, Mailstop EE-2K, 1000 Independence Avenue, SW, Washington, DC 20585-0121.

**Hand Delivery/Courier:** Mr. Benjamin Goldstein, U.S. Department of Energy, Office of Weatherization and Intergovernmental Programs, Mailstop EE-2K, 1000 Independence Avenue, SW, Washington, DC 20585-0121.

**For Further Information Contact:** Direct general requests for additional information to Mr. Benjamin Goldstein, U.S. Department of Energy, Office of Weatherization and Intergovernmental Programs, Mailstop EE-2K, 1000 Independence Avenue, SW, Washington, DC 20585-0121. Email: [buyamerican@ee.doe.gov](mailto:buyamerican@ee.doe.gov). Recipients of EERE Recovery Act financial assistance should also consult with the DOE Contracting Officer or the award official, who is the Project Officer assigned to the specific award.

#### PRIVACY ACT STATEMENT

Collection of the information requested is authorized by the American Recovery and Reinvestment Act of 2009 and 2 CFR Part 176. Non-personal information may be disclosed to other Federal Departments and Agencies as part of the scouting process. Disclosure of the information on this form is voluntary; however, your decision not to provide the information could prevent DOE from issuing a waiver pursuant to Section 1605 of the Recovery Act.

#### OMB BURDEN DISCLOSURE STATEMENT

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Office of Information Resources Management, AD-241.2 - GTN, Paperwork Reduction Project (1910-1800), U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington D.C. 20585; and to the Office of Management and Budget, Paperwork Reduction Project (1910-1800), Washington, D.C. 20503.